

County of Loudoun
Department of Planning and Zoning
MEMORANDUM

DATE: February 18, 2015

TO: Jacqueline Harlow, Project Manager
Land Use Review

FROM: Kelly Williams, Planner III
Community Planning

SUBJECT: ZMAP 2013-0008, Ryan Road Assemblage, 2nd Referral

EXECUTIVE SUMMARY

The Ryland Group, LLC is requesting a zoning map amendment for 93.35 acres from Transitional Residential-10, to Planned Development Housing- 3 (PDH-3), administered as Residential-8 (R-8), to increase allowable densities by 3225% to develop 266 single-family attached and detached residential units and to add a commercial component at 0.13 FAR administered under the PD-CC-NC (Planned Development-Commercial Center-Neighborhood Center) zoning district. Additionally, a special exception has been added to the application to allow gas pumps accessory to a convenience store along with various zoning ordinance modifications. This application is subject to the Revised 1993 Zoning Ordinance. The subject site is located in the Transition Policy Area on the south side of Ryan Road approximately 450 feet east of Evergreen Mills Road. The property also has frontage along Evergreen Mills Road approximately 700 feet south of Ryan Road. The site consists of 17 individual parcels totaling 93.35 acres.

The County's vision for the Transition Policy Area is for land uses that provide a visual and spatial transition between suburban development and rural development. It is noted that the countywide remapping effort approved in 2003 to implement the Transition Policy Area policies of the Revised General Plan (Plan) and the current zoning regulations achieve that vision.

While the application has been revised to reduce the density to 3 dwelling units per acre, Staff cannot support the rezoning application as the proposal still exceeds the one dwelling unit per ten acre density envisioned by the Revised General Plan and the development pattern does not conform to the cluster policies of the Plan. The proposed rezoning will contribute to a fiscal imbalance, as the County will be required to provide additional services in a portion of the County where concentrations of residential development are not anticipated. Further, the approval of the proposed application

would continue to bring suburban style development into the Transition Policy Area making it more difficult to distinguish one policy area from the other and retain the vision for the Transition Policy Area as set forth in the Plan.

The recent influx of residential rezoning proposals for increased densities in the Transition Policy Area threatens to forgo the purpose of the Transition Policy Area to provide a density transition between the Rural and Suburban Policy Areas. Currently, there are five proposed rezoning applications, including this application, within the Transition Policy Area that collectively propose 957 dwelling units, where Plan policy envisions 124 units. Based on the number of proposals currently under review and the number of units proposed, it would be more appropriate to pursue a Comprehensive Plan Amendment to determine if the County wants to collectively revisit the Transition Policy Area for greater densities, rather than to make decisions on individual applications.

Staff also cannot support the rezoning application as the proposed commercial center is the type of development envisioned within the Suburban Policy Area, not the Transition Policy Area. Further, Staff cannot support the special exception application for a child care center as the 13,500 square foot use is of a scale not envisioned within the Transition Policy Area. The type of development proposed is suburban in nature and is more appropriately located within the Suburban Policy Area within the area these uses are intended to serve.

The applicant has responded to first submission comments by providing a response letter, revised statement of justification, Concept Development Plan and proffers. The outstanding issues are outlined below.

LAND USE

Residential

Under current zoning (TR-10) one dwelling unit is permitted for every ten acres of land. The proposed zoning district (PDH-4) administered as R-8 would permit 4 dwelling units for every acre of land. The applicant states, in the statement of justification, that the proposed 2.85 dwelling units per acre is within the maximum permitted density of 9.6 dwelling units per acre allowed in the Zoning Ordinance. This would be consistent with the zoning district proposed in the application, but not consistent with the current zoning of the property or the Comprehensive Plan. The proposal of 266 dwelling units would allow for almost 33 times more development than permitted under current zoning and Plan policy.

The County's vision for the Transition Policy Area is for land uses that provide a visual and spatial transition between suburban development and rural development. The Transition Policy Area is envisioned as a unique and innovative blend of rural and suburban development features that fully integrate the elements of the Green Infrastructure, and establish natural open spaces as a predominant visual element and enhancement to the area's river and stream corridors (*Revised General Plan, Chapter*

8, General Policy 2).

To support this vision, the County undertook a comprehensive remapping of the County that included establishment of the Transitional Residential (TR) zoning districts and sub-districts to implement the policies of the 2001 Revised General Plan. This rezoning was approved on January 5, 2003 as part of Zoning Amendment (ZOAM) 2002-0003 and Zoning Map Amendment (ZMAP) 2002-0014. Within the Middle Goose Subarea, this rezoning remapped the former Agricultural/Residential (A-3) to TR-10 thereby reaffirming the residential densities desired in this portion of the County while providing for a cluster development option. As such, the existing zoning designations are consistent with the densities prescribed by the former zoning designations and are consistent with the policies of the Revised General Plan accordingly.

The County envisions that the Middle Goose subarea will have a more rural character with a base density of one dwelling unit per ten acres in a clustered development pattern. Clusters will be smaller developments supporting between 5 to 25 units, predominantly single-family residential units in individual hamlets (*Revised General Plan, Chapter 8, General Policies, Community Design, Lower Sycolin and Middle Goose Creek Subareas, text*).

Within the Middle Goose subarea, the County envisions a more rural character with lower densities and higher open space requirements than in other transition subareas. These lower densities and higher open space requirements are intended to preserve



Planned Land Use Map

significant environmental resources and maintain the rural character west of Goose Creek. To facilitate a transition to the Rural Policy Area, open spaces will be the dominant visual feature of the landscape (*Revised General Plan, Chapter 8, General Policies, Community Design, Lower Sycolin and Middle Goose Creek Subareas, text*). To achieve this vision, the Plan calls for densities of one dwelling unit per ten acres with development clustered on lots up to three acres and a minimum of 70 percent open space.

As seen in the Planned Land Use map above, the location of this property is between the Suburban style Brambleton Development and Evergreen Mill Road which is the boundary between the Transition Policy Area and the Rural Policy Area. Development of this property with suburban densities and housing types, provides no transition between suburban development and the Rural Policy Area as envisioned by the Plan.

As stated in the first referral, the proposed rezoning would increase permitted densities of residential dwelling units beyond what is envisioned by the Revised General Plan for the Middle Goose Subarea of the Transition Policy Area. Densities of one dwelling unit per 10 acres as prescribed by the Revised General Plan would result in 8 units whereas the proposed rezoning would result in densities of 3 dwelling units per acre or 266 units, a 3225% increase in density. Plan policies do not support this increase in density as it represents a significant increase in capital costs and proposes residential development where it is not anticipated.

The applicant states that the application should be evaluated by the infill policies of the Plan. The infill policies were developed in recognition that buildout within the Suburban Policy Area would reach its potential in 2020 and that the “majority of the land use applications would be infill, revitalization or redevelopment within established communities”. Infill development is envisioned as the establishment of a new land use on sites that may be undeveloped or underutilized and surrounded by similar existing development. The subject property is currently developed with single-family residential uses. Land uses surrounding the subject site also include generally vacant or very low density residential development across Evergreen Mills Road and Ryan Road. One exception is Brambleton Landbay 1A which is currently being developed as suburban residential east of the subject site in the Transition Policy Area. The Brambleton Landbay A was rezoned to PD-H4 (ZMAP 1993-0005) in 1995 which was prior to the adoption of the Transition Policy Area of the Plan.

The development of this site is not consistent with the infill policies. The site is not an undeveloped or underutilized property surrounded by development densities similar to those proposed in this application. Infill parcels are those that cannot be developed as stand-alone developments, but rather have to be integrated into existing communities. A parcel of 88 acres is large enough to be developed on it's own. Further, the parcels of this proposal would not be considered infill as the policies apply only to the Suburban Policy Area and not to the Transition Policy Area.

Commercial

Commercial development in the Transition Policy Area will consist of uses that provide a transition from suburban to rural land uses, such as golf courses, active recreation uses, kennels, nurseries and similar commercial uses, public and private schools and other compatible institutional uses (Revised General Plan, Chapter 8, Land Use Pattern, Text). The Plan identifies small-scale commercial uses permitted through the home occupation and small business provisions of the Zoning Ordinance as appropriate in the Transition Policy Area (Revised General Plan, Community Design Policies, Policy 17). The application proposes a retail center of up to 24,500 square feet, including a convenience store with accessory gas pumps, that is not consistent with the vision for the Transition Policy Area. The proposed PD-CC(CC) district is envisioned within areas of the Suburban Policy Area, serving the retail shopping needs of the surrounding

community. These retail centers are envisioned as complementing the character of the surrounding community with appropriate pedestrian linkages to adjacent land uses. Residential development within the Middle Goose Subarea, is envisioned to develop at densities of up to one dwelling units per 10 acres in a clustered pattern, or be rezoned to a Rural Village with a density of one dwelling unit per three acres. (Revised General Plan, Chapter 8, Community Design Policies, Policy 8). Commercial retail and service uses within the Middle Goose Subarea of the Transition Policy Area should either be small-scale uses as described above or as part of a Village Core. The more suburban type development that is permitted to develop within the Transition Policy Area the more difficult it is to distinguish between the differing Policy Areas. Moreover, the development of suburban commercial uses within the Transition Policy Area could increase pressure on the development of suburban residential densities within the Transition Policy Area.

The proposed rezoning proposes suburban commercial uses within the Transition Policy Area where small-scale home based business and non-residential uses such as golf courses, kennels, and nurseries are envisioned. The proposed 24,500 retail center and convenience store with gas pumps are the types of uses envisioned within the Suburban Policy Area, serving the retail shopping needs of the surrounding communities not the Transition Policy Area.

As part of the proposed retail center, a 13,500 square foot child care center and other "PD-H permitted uses" are proposed on a 2.1 acre portion of the site. Non-residential uses within the Transition Policy Area should be developed at a scale allowing them to blend both visually and spatially into the rural landscape (Revised General Plan, Chapter 11, Design Guidelines). Individual buildings will not be greater than 40 feet in height and 150 feet in length (Revised General Plan, Chapter 11, Design Guidelines). According to commercial center guidelines provided by the applicant, individual buildings can be as large as 40 feet in height and 170 feet in length. This is also consistent with the illustrative drawing (sheet 6 of 10) and the square footage proposed for the day care center. The proposed child care center does not appear to be of a scale and intensity envisioned for the Transition Policy Area. The proposed child care center is of a size more common to the Suburban Policy Area. Non-residential uses within the Transition Policy Area should serve to provide the visual and spatial transition between the Suburban Policy Area and the Rural Policy Area; therefore, the scale of non-residential uses needs to be less than those within the Suburban Policy Area.

Staff recommends reducing the size of the proposed child care center more in keeping with the lower density Transitional Policy Area.

Open Space

As stated in the first referral, the Plan design policies state that Residential Clusters will be developed with specific design criteria that help to form open space (which may include active and passive recreation) surrounding the residential development (Revised General Plan, Chapter 8, Community Design Policy 9). All development within

the Transition Policy Area should be clustered so as to accommodate 50 to 70 percent open space and full implementation of the Green Infrastructure policies contained in Chapter 5 of the Revised General Plan. Furthermore, policies direct the County to consider the contiguity of the open space area to other designated open space and unique site features and Green Infrastructure implementation (Revised General Plan, Chapter 8, Community Design Policy 12) as well as the presence of a contiguous network of natural features and planned open spaces surrounding the development (Revised General Plan, Chapter 11, Transition Policy Area Design Guidelines, text).

Sheet 4 of the CDP indicates that the proposed development includes ±38.9 acres of open space including minor floodplain, neighborhood and pocket parks, buffers and miscellaneous open space. The majority of the open space provided is in the form of miscellaneous open space and perimeter buffers which does not meet the intent of the contiguous open space policies. Further, the proposal does not meet the minimum open space threshold established by the Revised General Plan.

ENVIRONMENTAL

River and Stream Corridor Resources

Staff requests that the applicant rename the 50-foot management buffer to 50-foot River and Stream Corridor Resource Management Buffer to relate to the corresponding Plan policies. While the applicant has indicated that stormwater management facilities have been relocated outside of the buffer, there are two facilities remaining in the buffer on the western side of the stream. Staff recommends that these facilities be relocated outside the management buffer. If encroachments cannot be avoided, staff recommends reforestation within the Minor Floodplain to offset proposed encroachments.

Commitments should be made to the protection and encroachment mitigation within the River and Stream Corridor. Staff requests that the applicant consider utilizing the specific proffer language attached to this referral.

Further, several lots are proposed within the buffer area. Staff recommends that the lots be removed from the buffer as it may restrict the development and enjoyment of the lots for future residents.

A Multi-Use Trail typical section depicting a 6' or 10' paved trail is depicted on Sheet 7. It is unclear as to whether or not this typical section applies to the trail proposed within the Minor Floodplain adjacent to the stream. Staff recommends a commitment to construct a permeable surface trail in this area in a manner that will preserve all specimen trees and will minimize impacts to jurisdictional waters and wetlands through the use of raised boardwalks or pedestrian bridges consistent with plan policies. Staff further recommends that a permeable typical section be provided on Sheet 7 specific to this trail and that the trail be moved farther away from the stream to minimize impacts to the stream bank.

Staff further recommends that trails within the River and Stream Corridor resources area be constructed of a permeable surface as indicated above.

Wetlands

In the first referral Staff recommended preserving wetlands consistent with Plan policy and providing a minimum 50-foot riparian buffer adjacent to streams and wetlands. It was recommended that the buffer be maintained in its natural state and that uses be limited to “Passive Recreational Uses” as defined in the Revised 1993 Zoning Ordinance.

Given the proposed road crossing of the perennial stream and the proposed wetland impacts in Land Bay C, Staff recommends a commitment to provide stream and wetland mitigation. Staff requests that the applicant consider utilizing the specific proffer language pertaining to wetlands attached to this referral.

Forest Resources

In the first referral, Staff recommended that the forested areas within the 50-foot Type 2 buffer located along the southeastern and eastern property lines be included in the Tree Conservation Area as depicted on the concept development plan.

Staff recommends revisions to the proposed Tree Conservation Areas as noted above to provide protection and maintenance of the Tree Conservation Areas.

Stormwater Management

The applicant has provided an LID commitment to provide one LID measure consistent with the typical proffer language, but has not provided a commitment for stormwater management ponds.

Staff recommends a commitment that all proposed stormwater management ponds be constructed as enhanced extended detention or retention (wet) ponds.

Heritage Resources

In the first referral comments, staff requested that the Phase II archaeological investigation of Site 44LD1643 be submitted with the second submission of the development application to the County. The Phase II report was not submitted with this submission. Further, the applicant's *Response to Referral Comments* (page 3) refers to Proffer #VII.F. However, no such proffer exists in the submitted materials. Further, it is noted that the location of ALL archaeological sites identified on the property during the Phase I survey, including Site 44LD1643, should be properly located on submitted plans and plats. The current existing conditions plat shows the rough location of 44LD1643, however, the location is obscure by other elements on the plat.

Staff continues to recommend that the applicant submit a proffer statement that addresses the conservation or further archaeological investigation of Site 44LD1643 as requested by staff in the first referral. All warranted levels of

archaeological investigation of this resource should be completed prior to the release of any County grading or building permits. Further, the concept development plan should be amended so that the location of all sites is clearly noted on all plats, plans and profiles.

UNMET HOUSING NEEDS

As stated in the first referral, and as called for in the Plan, staff recommended that the applicant consider proffering cash contributions for affordable housing or providing additional dwelling units that addresses the full spectrum of unmet housing needs to serve 0-100% AMI households, recognizing that the largest segment of unmet housing needs is housing for incomes below 30% of the AMI. A revised calculation based on the new proposal has been provided below. For the above referenced project specifically, a cash contribution of \$1939.66 per unit is deemed appropriate.

$$\begin{aligned} 232 \text{ market rate units (excluding 12.5\% ADU's)} \times 6.25\% &= 14.5 \text{ (15 Rounded up)} \\ 15 \times \$30,000 &= \$450,000 \\ \$450,000 \div 232 &= \$1939.66 \text{ per unit} \end{aligned}$$

Analysis:

Staff notes that County policies do not support this rezoning as proposed. The applicant is proposing to proffer \$1875.00 per unit as calculated in the first referral based on the original proposal of 270 market rate units. Staff notes that a cash contribution of \$450,000 or \$1939.66 per unit would represent an appropriate cash contribution for 232 market rate units.

CAPITAL FACILITIES

As outlined in the first referral, a central objective of the Revised General Plan is one of balancing business and residential uses to promote an effective fiscal policy (Revised General Plan, Chapter 3, *Fiscal Planning and Budgeting Policies 1 and 2*). The proposed project would introduce residential development above and beyond what was previously envisioned by the Plan and places demands on the County to provide additional services for future residents.

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility guidelines and policies of the Plan (Revised General Plan, Chapter 3, *Proffer Policy 3*). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (Revised General Plan, Chapter 11, *Capital Facilities Guideline 1*). The base density is defined as 1.0 dwelling unit per acre or a base density equivalent to the density requirements contained in the existing zoning district regulations applicable to the property and in effect at the time of application, whichever is lower (Revised General Plan, Chapter 11, *Implementation, Proffer Guidelines*).

It should be noted that the application proposes 33 times more residential units than anticipated in this location and the Capital Intensity Factors (CIF) numbers adopted by the County are based on the facilities needed in the area per the areas buildout potential. The project will result in a financial impact on the County associated with schools and other services that would not be fully mitigated by the CIF. The Board of Supervisors' adopted CIF for single-family detached units in the western portion of the County is \$26,001.11 per unit and \$18,425.53 per single-family attached unit as opposed to \$37,211.89 and \$25,743.33 within the adjacent Dulles planning area where this type of suburban development would be appropriate. Further, the capital facilities contribution does not account for the operational costs such as the Loudoun County Public Schools \$11,638 per student annual costs.

Assuming development of 266 units including 34 ADUs (258 units above base zoning) the proposal results in a total anticipated Capital Facilities contribution of \$5,267,123.94 (see Attachment 1). Within the suburban policy area, this development would generate an anticipated Capital Facilities contribution of \$7,147,369.29.

Analysis

The applicant is proffering a capital facilities contribution, however development of this project at the proposed density is not supported by the Plan and the project will result in a financial impact on the County associated with schools and other services that will not be fully mitigated by the CIF.

SUMMARY RECOMMENDATION

Staff is unable to support the application, as it is not consistent with the land use policies of the Revised General Plan. The proposed 266 dwelling units and increased density exceed recommendations set forth in County policies. Staff also notes that the proposed development does not conform to cluster development policies of the Revised General Plan. Outstanding issues associated with the project include excessive densities, inappropriate design patterns, environmental protection, unmet housing needs, and capital facilities impacts. Given the overarching density issue associated with the project, staff recommends denial of the proposed application.

cc: John Merrithew, AICP, Acting Planning Director, via e-mail
Cindy Keegan, AICP, Community Planning, Program Manager, via e-mail

Attachments:

1. River and Stream Corridor Resources Template
2. Wetland Mitigation Proffer Template
3. Capital Facilities Impact Analysis